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December 13, 2001

**VIA FAX (312) 704-6300**

Robert A. Habib, Esq.  
134 N. LaSalle St., Suite 516  
Chicago, IL 60602

RE: National Distribution v. Commonwealth Edison  
(ICC NO. 01-0306)

Dear Bob,

I am writing concerning our discussion of discovery issues yesterday. As you know, your client's responses were due on November 30, 2001 and its initial response was received on December 7, 2001.

Specifically, I understand the following with respect to Commonwealth Edison Company's First Set of Data Requests to National Distribution Company (the "Data Requests"). Your client made two groups of documents available for inspection yesterday, which included documents in your client's possession that are responsive to Data Requests Nos. 6, 7 and 8. With respect to Request No. 8, you stated that, aside from the documents attached to the complaint, your client has no handwritten notes concerning every conversation it ever had with a ComEd employee between January 1, 1998 and September 1, 2001. You stated that you would have copies of the two groups of documents delivered to my office by the close of business on December 14, 2001. You stated that your client is unable to confirm that it has identified all documents in its possession or control that are responsive to Request Nos. 9 and 17. Please advise by tomorrow, when your client anticipates that its investigation and production will be complete.

With respect to Data Request No. 16, you advised that your client does not have any data (independent of ComEd's data) concerning electricity usage on the property during the period described in the Data Request.

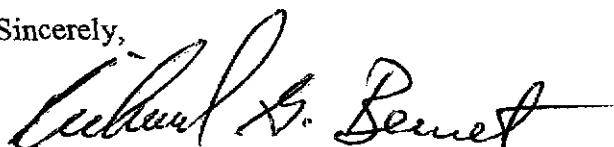
EXHIBIT C

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Habib letter  
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Finally, Commonwealth Edison considers your client's response to Data Request No. 19 to be non-responsive. Please advise by tomorrow whether your client is willing to modify that response to explain the precise nature of the "protest" to which he refers in his testimony, including the reason for the "protest" and the amount of money that was in dispute.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard G. Bernet". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard G. Bernet  
Assistant General Counsel, Regulatory  
BSC Legal Services